

Notice of Allowability

Application No.

09/470,100

Examiner

James Sheleheda

Applicant(s)

MINIKAWA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/14/05.
2. ☒ The allowed claim(s) is/are 1-8 and 18-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

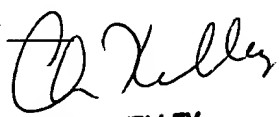
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Schaal on 02/17/06.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, line 14, "being the non-overlapping channel" has been changed to --being a non-overlapping channel--.

In claim 1, line 17, "being the overlapping channel" has been changed to --being an overlapping channel--.

In claim 18, line 6, "automatically programming" has been changed to --automatically program--.

In claim 18, line 8, "automatically programming" has been changed to --automatically program--.

In claim 21, line 4, "of the plurality" has been changed to --of a plurality--.

In claim 21, line 9, "automatically programming" has been changed to --
automatically program--.

In claim 21, line 11, "being the non-overlapping channel" has been changed to --
being a non-overlapping channel--.

In claim 21, line 14, "being the overlapping channel" has been changed to --being
an overlapping channel--.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 1-4 are allowable because the prior art fails to teach or disclose a method of programming a set top box to tune to stations associated with a plurality of channel numbers, comprising: generating an electronic system guide, displaying a user selectable option within the system guide that causes an auto-program to be processed, displaying at least one pop-up for selecting a first default source and a second default source of a plurality of sources, detecting whether **each** channel number of the plurality of channel numbers is a non-overlapping channel number or an overlapping channel number, and **automatically programming each channel number of the plurality of channel numbers to tune to a station for receiving television programs provided by the selected first default source in response to the channel number being a non-overlapping channel number and programming the channel number to tune to a station receiving programs provided by the selected second default source in response to the channel number being an overlapping channel number.**

Claims 5-8 are allowable because the prior art fails to teach or disclose a system for providing a default source for a plurality of channel numbers usable by a plurality of source, comprising: a processor configured to generate an electronic system guide identifying the plurality of sources, and a selector **to select a first default source in response to detecting a non-overlapping channel number** for the television programs provided by the plurality of sources and **automatically tune to a station for receiving television programs provided by the first default source and select a second default source of the plurality of sources** in response to **detecting an overlapping channel number** for television programs provided by the plurality of programs and **automatically program the system to tune to a station for receiving television programs provided by the second default source, the selector operating on all of the plurality of channels supported by the system.**

Claims 18-20, 22 and 23 are allowable because the prior art fails to teach or disclose a system for providing a default source to channel numbers, comprising: a processor configured to generate an electronic system guide including an auto-program option to automatically program the channels by a first default source and a second default source, determine if there are overlapping channels among the channel numbers, **automatically program each overlapping channel to tune to the second default source and automatically program any non-overlapping channel number to tune to the first default source**, and a selector **to select the first default source**

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such that each of the non-overlapping channel numbers tunes to a station for receiving television programs provided by the first default source and select the second default source such that each of the overlapping channel numbers tunes to a station for receiving television programs provided by the second default source.

Claim 21 is allowable because the prior art fails to teach or disclose an article of manufacture including one or more computer readable media with executable instructions, which, when executed by a processing device cause the processing device to: display at least one pop-up for selecting a first source of a plurality of sources from an electronic system guide as a first default source and a second source as a second default source, **detect whether each channel number associated with an incoming signal is a non-overlapping channel number or an overlapping channel number,** and **automatically program each channel number to tune to a station for receiving television programs provided by the selected first default source in response to a corresponding channel number being a non-overlapping channel number and programming each channel number to tune to a station receiving television programs provided by the selected second default source in response to the corresponding channel number being an overlapping channel number.**

3. A background search found similar prior art, however, not completely as claimed. For example, Broberg (6,529,680) discloses a system wherein **some** non-overlapping

channels are assigned to a first default source and wherein overlapping channels are assigned to a second default source. Broberg alone or in combination, however, fails to disclose assigning channel numbers **based** upon whether they are overlapping or non-overlapping, wherein **each** non-overlapping channel is assigned to a first default source and wherein **each** non-overlapping channel is assigned to a second default source.

Stinebruner (6,133,910) discloses a system wherein a local source will be assigned channel numbers corresponding to local channels, regardless of whether the channel numbers overlap with another source. Stinebruner alone or in combination, however, fails to disclose assigning channel numbers **based** upon whether they are overlapping or non-overlapping, wherein **each** non-overlapping channel is assigned to a first default source and wherein **each** non-overlapping channel is assigned to a second default source.

Morrison (6,359,580) discloses a system wherein a default source is assigned to individual channel numbers which are detected to overlap with multiple sources and generating a pop-up to allow the user to select a default source. Morrison alone or in combination, however, fails to disclose assigning channel numbers **based** upon whether they are overlapping or non-overlapping, wherein **each** non-overlapping channel is assigned to a first default source and wherein **each** non-overlapping channel is assigned to a second default source.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

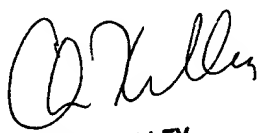
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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